



***Town of Weare
Conservation Commission
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Conservation Commission
Andy Fulton, Chairman
Andrea Alderman, Vice Chair
Tom Carr
Stephen Najjar
John Ciampi
Patricia Myers
George Malette
Paul Kosciuszek, Alternate

**CONSERVATION COMMISSION
MINUTES
FEBRUARY 15, 2007
(Approved as amended 3/14/07)**

PRESENT: Andy Fulton, Chairman; John Ciampi; George Malette, Tom Carr; Andrea Alderman; Pat Myers;

GUESTS: Paul Doscher; Art Siciliano

I. CALL TO ORDER:

Chairman Andy Fulton called this meeting to order at 7:12 PM at the Weare Town Office Building.

II. MINUTES:

JANUARY 10, 2007 MINUTES: Andrea Alderman moved to approve the January 10, 2007 minutes as amended, John Ciampi seconded the motion, all in favor.

III. PLANNING BOARD ITEMS:

DAVIDEEN & THOMAS LEWIS – LOT LINE ADJUSTMENT, SOUTH STARK HIGHWAY, TAX MAP 411-117, 411-118 & 411-120: The purpose of this plan is to adjust the line between the three abutting parcels and as an end result there will be only two lots. The Planning Board has scheduled a site walk on this coming Saturday, February 17, 2007 at 9 AM. The reason for the site walk is to verify the wetlands flags because of the amount of wetlands being shown on the plans. Tom Carr stated that right now with the snow it is tough if not impossible to verify the wetlands. Some of the members have other commitments are not available to make the site walk with the Planning Board. The board indicated that there is no wetlands/soils scientist stamp on these plans.

LISA WILBER & VIRGINIA WHITTEN – SITE PLAN REVIEW, SOUTH STARK HIGHWAY, TAX MAP 411-124 & 411-125: The purpose of this plan is to show a proposed two bedroom addition on the back of the existing Avon store. On February 8, 2007 the Planning Board accepted the application as complete and continued the discussion to the next meeting which is March 8, 2007.

ART SICILIANO REGARDING HIGH ROCK OPEN SPACE DEVELOPMENT: Art Siciliano was present. Mr. Siciliano explained that the purpose of this meeting is to discuss what is going to happen with the open space. Mr. Siciliano stated that the only thing that has changed on the plan is the configuration. Most of the wetlands are on the open space, the way they were originally shown. Mr. Siciliano asked if the Town was going to take the open space, was it going to be open to the public, etc. Mr. Siciliano stated

that his client's suggestion would be to keep it private, owned by an association, which seemed to be the best solution and deed the Town an easement. If it gets deeded to the Town the public access issues will arise. The Daniel's certainly didn't want the property open to the public. The residents that live there currently certainly don't want the access to the lake open to the public either.

Pat Myers stated that her thought would be to have the Town own the open space. Mr. Siciliano stated that if the Town is going to own the open space the Town would need to come up with some sort of protection for the residents that live there. Mr. Siciliano stated that he will take this feedback back to his client, create a draft and then come back for the Conservation Commission's input.

IV. WETLANDS BUREAU:

DES SITE SPECIFIC PERMIT #WPS-7690 – FRANK & JENNIFER FERRANTE: The WCC received notification that the Site Specific Permit for the Frank & Jennifer Ferrante project extending Pine Hill Road, has been issued.

DES SITE SPECIFIC PERMIT #060913-01 – JOHN & TAMMIE NELSON: The WCC received a letter indicating that there are still some items that need to be addressed in order for the evaluation to continue on this application.

DES WETLANDS BUREAU FILE #2006-0689 – WILLIAM HOYT: The WCC received a letter indicating that they received a proposed site restoration plan for Mr. William Hoyt. The site restoration plan has been approved with conditions as listed on the letter dated January 25, 2007.

DES WETLANDS BUREAU FILE #2007-0211 – WILLIAM BOISVERT: The WCC has received notification that they received a standard dredge and fill application and deemed administratively complete.

DES FORESTRY NOTIFICATION FILE #2007-00223 – NH FISH AND GAME DEPARTMENT: The WCC has received a letter acknowledging receipt of the "Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact" form for work near Perkins Pond on Map #407-141.

V. OTHER ITEMS:

PAUL DOSCHER REGARDING POTENTIAL BROWN CE: Paul Doscher was present and explained that about two months ago he was put in contact with Charlie and Sylvia Brown who live at the end of East Street. It used to be an old dairy farm. Their fields are all on the south side of the road, about 50-60 acres of field land on their property. They own in excess of 100 acres, probably 130 acres in total. Mr. Doscher had a map of their property. The Brown's expressed an interest in the possibility of selling a conservation easement on their property. They've farmed it for many years as a dairy operation. They did sell the cows several years ago but has continued to hay the fields. The property has

fairly extensive wetlands. When he was asked to go see them it was in his capacity of the forest society staff person, to find out what their interests were. They clearly are interested in seeing the farm stay as it is. They're old enough now they are looking at what is going to happen when they can't take care of the place any longer or when they are gone. All their children live in Town, none of whom are interested in being farmers, but they are sort of imagining that when they go or when they move this place could be sold to someone else who hopefully will keep it as a farm. Obviously the potential for raising money for this depends to some extent on the soils that are on the property. Mr. Doscher stated that they imagine applying to the Federal Farm and Ranch Land Protection program for some money here to do this. They have done a soil analysis and the soils that are on the property they have are, on roughly the 50-60 acres of fields, primarily state wide significant agricultural soils and local significant agricultural soils. The land in the back is wetland soils, so that doesn't qualify for the program. Mr. Doscher is trying to figure out how they can incorporate this and to create a possible application to the FRPP program. Those applications are due May 1, 2007. They've opened up the application period. There is a process where you have to do a lot of things in order to get an application in, including having an appraisal done, having a commitment for the matching funds, because they only provide 50% of the funds. The FRPP program allows that the 50% match can be in $\frac{1}{2}$ cash and $\frac{1}{2}$ bargain sale, meaning for example that if the easement is worth \$700,000 that would mean that \$350,000 would come from the FRPP and the other \$350,000 would have to be matched but $\frac{1}{2}$ of that could be cash and the other $\frac{1}{2}$ could come from a bargain sale with the owners. The Brown's have expressed an interest in making a bargain sale for that portion that is available for the bargain sale. So they could potentially in the example given contribute to \$175,000 worth of donation to the project. The Town would have to have the other \$175,000 in cash. Mr. Doscher further explained that this is going to be a little tricky, because this is a competitive process with FRPP. They open the window for these applications. They may get 25-30 of these applications and they only have \$2.7 million to grant this time around for NH. They generally have about \$2.5 to \$3.5 million dollars a year. Their funding comes under the farm bill; it is not something is appropriated annually by congress, so thankfully it is not tied up in the crazy budget mess in Washington right now. In an effort to get this project going the Brown's have offered to pay for the appraisal, they have talked to Scott Dickman, who would do it in April so it could go to FRPP by the May 1st deadline. Mr. Doscher stated that he has had a couple of conversations with Steve Najjar on this and about what the possibility the Town could do. He understands the Conservation Fund has a call on it now to finish up a project. But Mr. Najjar told Mr. Doscher that what he said based upon what he heard from the Planning Board there is more use change tax going to be rolling into the Conservation Fund over the course of the year. The point here is, if the Conservation Commission and the Town were willing to commit to the 25% match, there is possibility of protecting what arguable is one of the most scenic properties in Weare, with a landowner that would like to see it stay that way. The landowners have lived in Weare all their lives. They understand the significance of their property, there is no question about that. One of the criteria of FRPP is that not more than 50% of the land in the project can be non-farm soils. One of the reasons that Mr. Doscher drew a line around a

certain area of the property and not including the wetlands in the easement was if you put the wetlands into the easement it knocks the percentage of the property over the 50% match. The Brown's may be willing to do that area in a separate easement or even possibly a donation. He has not asked them that yet. The real critical land here where the development potential is and where you have a development is on the farm soils. There is no impediment to development on this property. Mr. Brown stated that given the amount of frontage he has he figures he could get at least seven lots just on the road frontage. Another thing the FRPP program requires is that at the time the grant application goes in you need to have some statement from whoever is providing the match money that the match money is available and that is the challenge. You don't need to have the funds to write the check today, you have to have it committed for the project. Mr. Doscher stated that they have asked for clarification on that and they promised they will do that before the actual grant notice goes out. Mr. Doscher stated that they are trying to figure out if that means a vote of the Conservation Commission or is it a vote of the Board of Selectmen or is it just a letter of intent. The other thing there is a possibility of some donation money to cover some of the transaction costs, surveying, title work, legal expenses, there is some gift money that may be available. Mr. Doscher stated that his purpose tonight was to see if this is a project, given what the Conservation has been looking at for open space priorities for the Town, is this a project that would rise to the level that would make it worth saying, yes, if we have the money we would like to do the project. Mr. Doscher stated that he would add, that he is not sure that the Brown's are in an urgent hurry to do this and if it couldn't happen this May that they wouldn't be willing to wait until next May, it is clear to him that they are starting to think of what is going to happen to their place when they are gone. Their first priority is to see this place stay as a farm, but they also have as a priority, they don't have any retirement as they were farmers. This is their retirement account, so they can't just give it away.

Tom Carr stated that he spoke with the FRPP last year when they were notified of the available funds for this program. Things usually happen pretty quickly from when the notification is out to when the funds must be available. Mr. Carr stated that he sent out letters last year indicating this is something the Town should be looking into. Mr. Carr stated that his position is that if all possible, this is a worthwhile project as far as open space preservation.

Mr. Doscher stated that there could also be a chance that there might be some LCHIP money, which could be another source of matching money.

Pat Myers stated that she felt this is a worthwhile project. Ms. Myers questioned if the Town could have a backup plan, for instance the Town tries to have LCHIP as part of the mix and for some reason they don't come through or does but for a lesser amount, could there be another source ready to go, like the Conservation Fund.

Mr. Doscher responded that if the project wins approval from the FRPP program then they will commit the money. If they give you a grant, within three days you have to sign the

agreement so they know the Town is committed. If we are successful in this application, all we have to do is say yes we will take the money and you have 18 months from the signature date to close the deal. They don't care how the Town will achieve the funding all they want to make sure is the funds are brought to the table to close.

Mr. Doscher is looking for a commitment, not tonight, but soon; May 1st is the deadline to get the application in.

Tom Carr just wanted to clarify for the board, that the request is that the Society is looking to buy the Brown's easement, ½ of the funds would come from the government, ¼ would come from the Society and the other ¼ would come from the Town. Mr. Doscher responded that is correct. The Society will do the work. The goal here is to protect this piece of land.

George Malette stated that he would like to add in a positive note, this property is in the natural resource inventory of the master plan, but under the survey 70.9% of the respondents to the survey, recommend the preservation of farm and agricultural lands.

Tom Carr made a motion that the Commission commit to this concept that Mr. Doscher has put forward subject to the review of the commission's financial status and hopefully a commitment can be reached by May 1, George Malette seconded the motion. Discussion: Mr. Carr stated that all he is doing is putting forth the idea of reviewing the financial status and committing to this project. Vote: unanimous vote in favor.

WCC GIS COMPUTER PRICE QUOTES: Andrea Alderman stated that she did do some computer quotes for a lap top that would be able to run a GIS computer program. Absolute Computers in Concord gave her a price of \$999.00 originally. After talking with Steve Najjar regarding the laptop, it would need to have certain capabilities and specifications, so Ms. Alderman called Dell with the information that Mr. Najjar gave her and they have one that would run the Arc View (GIS) program for \$2,285.00. Ms. Alderman called back Absolute Computers and gave her the new specs from Mr. Najjar and their price was \$1,999.00. Pat Myers suggested calling the GIS user at the Society and run the specs to see if that is correct. Chairman Fulton stated that he would be willing to also run the specs by his GIS person. Chairman Fulton and Ms. Myers will bring that information back to the board for the next meeting.

NRI CONSULTANTS QUOTES FOR SERVICES: Andrea Alderman stated that she also did some research on consultants to do the Natural Resource Inventory. She received five quotes from different consultants. The quotes range from \$8,000 - \$10,000 depending on what you are looking for. The quotes are based on computer map based inventory and very little field based work.

NRI CRITERIA DISCUSSION: The board discussed putting together some criteria of what the Natural Resource Inventory should include. George Malette stated that he has started looking and downloading other regional planning commissions information, but at this point has not put anything really concrete together. Mr. Malette is looking at the Open Space plans for a broader vision. Pat Myers suggested contacting the State Conservation Commission regarding the NRI, because she felt the Open Space plans are really more Planning Board oriented versus Conservation Commissions. Chairman Fulton stated that he has the following NRI to do list:

- Andrea Alderman will be contacting the SPNHF people about the computer requirements.
- Andy Fulton will be doing the same at his office
- Pat Myers will call the State Conservation Commission folks about NRI's, what recommendations there might be or consultants they are aware of; or example projects that the umbrella group is aware of
- George Malette is looking at how to put together a useful plan based on this data, something beyond NRI, kind of a Conservation action plan

CONSERVATION LANDS MAP AND WEB SITE UPGRADES (RICHARD HART RETAINED): Chairman Fulton stated that the Commission has retained Richard Hart to do the web site. Mr. Hart has sent a letter requesting more information. Steve Najjar answered the majority of the questions. The only one that the Commission needs to find is the tax map and lot number for the Toby Hill Property. Tom Carr and Pat Myers stated that they could locate it on the map. Chairman Fulton will put an arrow on the map and get it back to Mr. Najjar. Chairman Fulton stated that the next thing we need to do is to put together descriptions. Pat Myers stated that she has already started the Craney Hill property. She will do the Wood property as well. Tom Carr stated that he has the camera and anyone on the commission is welcome to use it if they want to. Chairman Fulton stated he will do the Chipmunk Falls area and Felch Forest. Steve Najjar will have the Chevey Hill, Dustin Meadow and Eastman Conservation areas. Tom Carr will do the Breed Brook and Great Brook property.

EASTMAN CONSERVATION AREA EASEMENT REVIEW: Steve Najjar sent along the Eastman Conservation Area easement language for all to review. Margaret Watkins would like any comments and input from the Commission.

FEBRUARY 2007 CALENDAR OF OTHER BOARDS/COMMISSION MEETINGS: This is the February 2007 calendar for the Conference Room, showing the dates and times of when other boards/commissions meet.

INFORMATION REGARDING THE FARMER'S OPEN SPACE EASEMENT DEED THAT MR. GORDON IS LOOKING TO HAVE REMOVED: Pat Myers explained to the board that Mr. Gordon purchased this property from Frank Farmer who had already given the Town an open space easement deed on it. Mr. Gordon has been inquiring how or what the process would be to have the easement deed removed. Attorney Bill Drescher is

putting together a legal opinion for the Planning Board regarding this. This is really an FYI for the Commission.

COPY OF TOWN CHECK TO VOSS SIGNS FOR \$255.00: This is just a copy of the check that the Town paid to Voss Signs for the signs the Commission ordered.

FYI VOUCHER FOR TRANSFER OF CURRENT USE MONEY TO THE CONSERVATION FUND: This is information that was submitted to the Commission from the Finance Clerk, Tina Pelletier showing the transfers of current use money to the Conservation Fund.

SNHPC – REGIONAL ASSESSMENT OF GROUND WATER RESOURCES IN MERRIMACK RIVER WATERSHED: The WCC received a letter from Southern NH Planning Commission seeking the Town's participation and contribution in implementing the "Regional Assessment of Ground Water Resources in the Merrimack River Watershed, New Hampshire." Each community is being asked to contribute \$3,500 per year for a three year period to assist with the funding of the project. The letter of commitment was due by January 31, 2007. Chairman Fulton stated that at this time there is not enough information provided to be able to make an informed decision.

SCHAUER ENVIRONMENTAL LETTER TO DES REGARDING AMENDMENT TO BROOK SHIRE WETLANDS FILE #2004-00133: Chairman Fulton stated that the commission did receive a copy of the letter that was sent to DES.

"THE SOURCE" NEWSLETTER: This is a newsletter provided periodically to the WCC from NHDES Drinking Water Source Protection Program as a source of information.

BEDARD PROPERTY: Tom Carr stated that the Town did gain access through a court order. He went out and took pictures to be sent to the State. He didn't copy the information to Chip Meany, Code Enforcement Officer or Naomi and we will make sure they get a copy.

TOWN REPORT: Andrea Alderman stated that she received a phone call from Heleen Kurk to let the Commission know that the picture of the Eastman Property did not get into the Town report.

CONSERVATION FUND: Tom Carr stated that we need to have someone on the Commission take the lead to keep track of what has been committed to be taken out of there (Oliphant, Abijah Bridge Check Dam, GIS, NRI, etc). Pat Myers stated that she would be very happy to do that once the Commission has a well established hand on what is in there.

VI. ADJOURNMENT:

As there was no further business to come before the board, Tom Carr moved to adjourn at 10:35 PM, George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton

Transcribed from tapes